

### **REMARKS**

In view of the amendments and remarks that follow, Applicants respectfully submit that the application is in condition for allowance. Accordingly, applicants request reconsideration of the application, withdrawal of the rejections of record and issuance of a Notice of Allowance.

Claims 1-15 are pending in the application, all of which stand rejected for the reasons of record. Claims 1-5, 7, 9 and 12-15 have been canceled and claim 11 has been amended to put the application in better condition for allowance. The amendments are not considered to involve the addition of new matter and entry thereof is respectfully requested.

The specification has been amended to correct an inadvertent error in the naming of a reactant. This amendment is not considered to involve the addition of new matter and entry thereof is respectfully requested.

It is noted and acknowledged that the response filed 11/15/2004 has obviated all 112 second and first paragraph rejections made in the previous office action.

### **Rejections Under 35 U.S.C. § 102**

Claims 1 and 2 are again rejected under 35 U.S.C. 102(a)(not (b) as noted in the action) as being anticipated by Hunt et al. WO 00/71129. The Office notes that Hunt teaches structurally similar pyrrolotriazine compounds. It is noted that in the formula (I) on page 3, all variable groups overlap with those of the instant claims.

The Office notes that Applicants' argument to overcome this rejection is not persuasive because the rejection is based on the fact that when Z is OH or Cl, instant claims 1 and 2 read on the intermediates taught by Hunt to make the genus of compounds exemplified in examples 1-143.

Applicants respectfully traverse the rejection and present the following comments. Claims 1 and 2 have been cancelled in order to present the species claimed in Claim 6. The Office's basis for the rejection would be removed since none of these species include Z as either OH or Cl. The remaining claimed compounds contain a distinctive pyrrolo-pyridinyl group off of the 6-membered ring of the pyrrolotriazine core. While Hunt may

generically disclose this group, none of the over 200 compounds exemplified in Hunt contains this group. Clearly the compounds disclosed in the instant application would not be considered anticipated by Hunt. Applicants respectfully submit that this ground of rejection should be withdrawn.

### **Rejections Under 35 U.S.C. § 103**

Claims 1-15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hunt et al., WO 00/71129 for the reasons of record. The Office notes that Hunt et al. teaches structurally similar pyrrolotriazine compounds and notes that in the formula (I) on page 3, all variable groups overlap with those of the instant claims. The Office also notes that Example 120 is close to the instant R<sup>42</sup> and that the point of attachment of such a group is either through the five or six membered ring. The Office also notes that compounds when Z=N or NH or when Z is OH or Cl are exemplified.

The Office concludes that it would have been obvious to one having ordinary skill in the art at the time of the invention was made to make pyrrolotriazine compounds variously substituted with the variables noted as permitted by the reference and expect resulting compounds (i.e., the instant compounds) to possess the uses taught by the art in view of the equivalency teaching outline above.

The Office notes that Applicants' traversal in the prior response was not persuasive. In particular, the Office notes that Hunt generically teaches the instant compounds and that Hunt teaches several heterocyclic cores including example 120, which is the closest to the instant R<sup>42</sup>. The Office concludes that one trained in the art would be motivated to make pyrrolotriazine compounds variously substituted including ZR<sup>41</sup>R<sup>42</sup> equal to the pyrrolopyridine core and expect the resulting compounds to possess the uses taught by the art in the view of the equivalency teaching outlined above.

Applicants respectfully traverse the rejection and provide the following comments. As noted in the response to the 102 rejection, Claims drawn to a generic concept have been canceled leaving Claim 6 drawn to specific species that would not be considered obvious over Hunt. It would not be obvious, in view of the differences between the instant compounds and those disclosed in Hunt, to make the instant compounds. The instantly claimed compounds are patentably distinct as noted above. The Office points to Example 120 as "close to the instant R<sup>42</sup>". However, this compound lacks the linker group and also

is not very close to the instant R<sup>42</sup>. The compound of Example 120 of Hunt et al. is directly linked to the pyrrolotriazine core and is connected through the 5 membered ring and not the 6-membered ring of the bicyclic group. There is no motivation to make these compounds found in Hunt and no particular teaching in Hunt that one could point to that would motivate one skilled in the art to make pyrrolotriazine compounds with an –NH linker group connected to a substituted pyrrolopyridinyl group. Clearly the compounds of the instant application would be considered patentable and non-obvious in view of Hunt et al. Applicants submit that the claims, as amended, are not unpatentable over Hunt et al. and request that this ground of rejection be withdrawn.

### **Provisional Double Patenting Rejections**

Claims 1-5 and 7-15 are provisionally rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1, 3-7, 12 and 16 of co-pending Application No. 09/573,829. It is noted that although the conflicting claims are not identical, they are not patentably distinct from each other because the subject matter embraced in the instant claims overlaps with the stated claims of 09/573,829.

Claims 1-5 and 7-15 are also provisionally rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-14 and 16-25 of co-pending Application No. 10/441,848. It is noted that although the conflicting claims are not identical, they are not patentably distinct from each other because the subject matter embraced in the instant claims overlaps with the stated claims of 10/441,848.

Finally, Claims 1-5 and 7-15 are provisionally rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-2 and 4-19 of co-pending Application No. 10/633,997. It is noted that although the conflicting claims are not identical, they are not patentably distinct from each other because the subject matter embraced in the instant claims overlaps with the stated claims of 10/633,997.

While disagreeing with the provisional rejections in view of the amendments to the application, Applicants will consider the propriety of filing a Terminal Disclaimer upon notification of otherwise allowable subject matter.

In view of the foregoing, Applicants submit that the application, as amended, is in condition for allowance and courteously solicit a Notice of Allowance.

If any fee due is not accounted for herein, please charge such fee to Deposit Account No. 19-3880. If any extension of time is required and not petitioned for, such extension is hereby petitioned for, and it is requested that any fee due in connection therewith be charged to the aforementioned Deposit Account.

The foregoing response is believed to be fully responsive to the outstanding Office Action. If a direct personal communication would advance the prosecution of this application, please contact the undersigned attorney at the telephone number listed below.

Respectfully submitted,



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